

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:91CR83
)	
v.)	
)	
CHARLES TYRONE SMITH,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the Court on defendant's motion to extend time to appeal (Filing No. 451). Under Fed. R. App. P. 4(b)(4),

Upon a finding of excusable neglect or good cause, the district court may -- before or after the time has expired, with or without motion and notice -- extend the time to file a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed by this Rule 4(b).

The time prescribed by Rule 4(b) is ten (10) days from the date the order appealed from is entered. See Fed. R. App. P. 4(b)(1)(A). Defendant's motion seeks an extension of time of 45 days to file his notice of appeal. However, the Court may not grant additional time in excess of 30 days after the expiration of the aforementioned 10 days. Rule 4(b)(4). Because the Court finds that good cause exists to extend the time, the motion will be granted in part. Accordingly,

IT IS ORDERED that defendant's motion to extend time to appeal is granted in part; defendant shall have until March 23, 2009, in which to file his notice of appeal; the motion is denied in all other respects.

DATED this 2nd day of March, 2009.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court